

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

WENDY DAVIS, DAVID GINS, and
TIMOTHY HOLLOWAY,

Plaintiffs,

V.

1:21-CV-565-RP

ELIAZAR CISNEROS, RANDI CEH, STEVE
CEH, JOEYLYNN MESAROS, ROBERT
MESAROS, and DOLORES PARK,

Defendants.

ORDER

Before the Court is Plaintiffs Wendy Davis, David Gins, and Timothy Holloway’s (collectively, “Plaintiffs”) Opposed Motion to Compel Defendant Eliazar Cisneros to Pay Plaintiffs’ Experts’ Deposition Fees. (Dkt. 579). Defendant Eliazar Cisneros (“Cisneros”) has not filed a response to Plaintiffs’ motion.

In their motion, Plaintiffs request that the Court order Cisneros to pay Plaintiffs' experts—Theron Bowman, Peter Simi, and Kathleen Blee—his share of the reasonable fees Plaintiffs' experts charged in connection with their depositions pursuant to Federal Rule of Civil Procedure 26(b)(4)(E)(i). (Mot. 579, at 2). Plaintiffs also request that the Court order Cisneros to pay the attorney's fees associated with filing this motion pursuant to Federal Rule of Civil Procedure 37(a)(5)(A). (*Id.*).

Plaintiffs filed their motion on January 13, 2025. The Local Rules of the United States District Court for the Western District Court of Texas stipulate that responses to discovery or case management motions shall be filed no later than 7 days after the filing of the motions. W.D. Tex. Loc. R. CV-7(d)(2). “If there is no response filed within the time period prescribed by this rule, the

court may grant the motion as unopposed.” *Id.* Cisneros’ response to the motion to compel was due no later than January 21, 2025—seven days later, plus an additional day to account for the Martin Luther King, Jr. Day federal holiday. *See* Fed. R. Civ. P. 6(a)(1)(C). Because Cisneros failed to file his response by this deadline, the Court will grant Plaintiffs’ motion to compel as unopposed.

Accordingly, **IT IS ORDERED** that Plaintiffs’ Opposed Motion to Compel Defendant Elazar Cisneros to Pay Plaintiffs’ Experts’ Deposition Fees, (Dkt. 579), is **GRANTED**.

IT IS FURTHER ORDERED that Cisneros must make payment to Plaintiffs’ experts in the following amounts within fourteen days: \$2,720 to Dr. Peter Simi; \$3,485 to Dr. Kathleen Blee; and \$3,446 to Dr. Theron Bowman.

IT IS FINALLY ORDERED that Cisneros must pay Plaintiffs’ reasonable attorney’s fees incurred in filing their motion. Plaintiffs shall file, on or before **August 15, 2025**, an affidavit and other supporting documentation containing their requested attorney’s fees incurred in filing their motion.

SIGNED on August 1, 2025.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE